

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE TRICOR DIRECT PURCHASER	)	
ANTITRUST LITIGATION	)	CASE NO. 05-340 (KAJ)
	)	(consolidated)
THIS DOCUMENT RELATES TO:	)	
ALL ACTIONS	)	
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IN RE INDIRECT PURCHASER	)	CASE NO. 05-360 (KAJ)
ANTITRUST LITIGATION	)	(consolidated)
	)	
THIS DOCUMENT RELATES TO:	)	
ALL ACTIONS	)	

**FIRST AMENDED NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6) OF,  
AND REQUEST FOR THE PRODUCTION OF DOCUMENTS TO, DEFENDANT  
ABBOTT LABORATORIES**

**TO ALL COUNSEL ON ATTACHED SERVICE LIST:**

PLEASE TAKE NOTICE that, pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of Civil Procedure, Direct Purchaser Class Plaintiffs, Louisiana Wholesale Drug Company, Inc., Rochester Drug Co-Operative, Inc., Meijer, Inc. and Meijer Distribution, Inc., and the Indirect Purchaser Plaintiffs (collectively "Plaintiffs") will take the deposition upon oral examination of Defendant Abbott Laboratories ("Abbott"), commencing on April 21, 2006, beginning at 9:30 a.m., and continuing from day to day thereafter until completed, at the offices of Winston & Strawn, 35 West Wacker Drive, Chicago, IL 60601. The deposition will be taken before a notary public or other officer duly authorized to administer oaths and take testimony, and will be recorded by stenographic means and may be audiotaped and/or videotaped.

In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott is hereby notified of its obligation to designate one or more officer, director, or managing agent, or other person who consents to testify on behalf of Abbott with respect to the matters set forth on the attached Schedule "A", and to produce documents in response to the matters set forth on the attached Schedule "B" by April 14, 2006. The person(s) so designated shall be required to testify as to each of those matters known or reasonably available to Abbott.

Plaintiffs hereby incorporate by reference the Definitions, Instructions, and Relevant Time Period set forth in Coordinated Direct Purchaser Plaintiffs' First Set of Document Requests to Defendants Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier S.A.

Dated: April 10, 2006

By: /s/ Jeffrey S. Goddess  
Jeffrey S. Goddess (Del. Bar No. 630)  
ROSENTHAL, MONHAIT & GODDESS, P.A.  
919 Market Street, Suite 1401  
P.O. Box 1070  
Wilmington, Delaware 19899-1070  
(302) 656-4433  
jgoddess@rmgglaw.com

Liaison Counsel for Direct Purchaser Class

By: /s/ A. Zachary Naylor  
A. Zachary Naylor (Del. Bar No. 4439)  
Chimicles & Tikellis LLP  
One Rodney Square  
P. O. Box 1035  
Wilmington, DE 19899  
(302) 656-2500

Liaison Counsel for Indirect Purchaser Class

**SCHEDULE A**

**MATTERS ON WHICH EXAMINATION IS REQUESTED:**

1. The pricing of Tricor including, without limitation, any actual, published, potential, or expected prices or other terms for the sale of Tricor to any customer, category of customer, or class of trade, including discounts, rebates, chargebacks, and/or other adjustments to price or quantity and the basis on which same are calculated or determined.
2. Projected or actual effects and/or impact of the entry of generic fenofibrate on: (a) direct or WAC price; (b) contract price to any customer or class of trade; and/or (c) discounts and/or rebates to any customer (whether direct or contract) or class of trade; and (d) drugs prescribed and taken for the same uses as Tricor and/or fenofibrates.
3. Manuals, matrices, policies, guidelines and/or formulas developed to calculate, figure, or otherwise determine price and/or adjustments to the price (or quantity) of Tricor for each customer, class of trade, market segment, and/or subgroup thereof.
4. Contracts for the sale of Tricor that, in whole or in part (a) generate chargebacks, (b) provide for an entity other than Abbott to ship and/or sell Tricor to a contracting party, and/or (c) provide for an entity to purchase directly from Abbott.
5. Process(es), method(s), strategies, and/or procedures that you proposed, considered or used for setting or establishing the prices (whether direct or contract, and including rebates, discounts, and/or chargebacks) for Tricor or any fenofibrate product.
6. Actual and or forecasted effects of the market entry and/or delayed market entry of generic fenofibrate on the unit and dollar sales and market share of (a) Tricor; (b) generic fenofibrate; and (c) drugs prescribed and taken for the same uses as Tricor and/or fenofibrates.

**SCHEDULE B**

**DOCUMENTS REQUESTED**

Plaintiffs hereby incorporate by reference the Definitions, Instructions, and Relevant Time Period set forth in Coordinated Direct Purchaser Plaintiffs' First Set of Document Requests to Defendants Abbott Laboratories, Fournier Industrie et Sante and Laboratories Fournier S.A.

1. Plaintiffs request the production of all documents relating or referring to the topics set forth in Schedule "A" that have not already been produced in this litigation.
2. Plaintiffs request the production of the transcript of, and exhibits to, Joseph Fiske's deposition in *In re Terazosin HCL Antitrust Litigation*, 99-MDL-1317 (S.D. Fla.).

## CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2006, I electronically filed the foregoing FIRST AMENDED NOTICE OF DEPOSITION UNDER FED. R. CIV. P 30(b)(6) OF, AND REQUEST FOR THE PRODUCTION OF DOCUMENTS TO, DEFENDANT ABBOTT LABORATORIES using CM/ECF, which will send notification of such filing to all registered participants, including:

Josy W. Ingersoll, Esquire  
John W. Shaw, Esquire  
Karen Keller, Esquire  
Young Conaway Stargatt & Taylor  
The Brandywine Building  
1000 West Street, 17th Floor  
P. O. Box 391  
Wilmington, DE 19899-0391

Frederick L. Cottrell, III, Esquire  
Anne Shea Gaza, Esquire  
Richards Layton & Finger  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801

Pamela S. Tikellis, Esquire  
Robert J. Kriner, Jr., Esquire  
A. Zachary Naylor, Esquire  
Chimicles & Tikellis LLP  
One Rodney Square  
P. O. Box 1035  
Wilmington, DE 19899

Elizabeth M. McGeever, Esquire  
Prickett Jones Elliott, P.A.  
1310 King Street  
P. O. Box 1328  
Wilmington, DE 19899

Mary B. Graham, Esquire  
Morris Nichols Arsh & Tunnell  
1201 North Market Street  
P. O. Box 1347  
Wilmington, DE 19899

Mary B. Matterer, Esquire  
Morris James Hitchens & Williams  
222 Delaware Avenue  
10th Floor  
P. O. Box 2306  
Wilmington, DE 19899

Jonathan L. Parshall, Esquire  
Murphy Spadaro & Landon  
1011 Centre Road  
Suite 210  
Wilmington, DE 19801

Michael I. Silverman, Esquire  
Lynn A. Iannone, Esquire  
Silverman & McDonald  
1010 N. Bancroft Parkway #22  
Wilmington, DE 19805

Patrick Francis Morris, Esquire  
Morris & Morris  
1105 North Market Street  
Suite 803  
Wilmington, DE 19801

I hereby certify that on April 10, 2006 I sent by electronic mail the foregoing document to the following non-registered participants:

REPRESENTING DIRECT PURCHASER CLASS  
(C.A. No. 05-340):

Bruce E. Gerstein  
[bgerstein@garwingerstein.com](mailto:bgerstein@garwingerstein.com)

Barry S. Taus  
[btaus@garwingerstein.com](mailto:btaus@garwingerstein.com)

Adam M. Steinfeld  
[asteinfeld@garwingerstein.com](mailto:asteinfeld@garwingerstein.com)

Rimma Neman  
[rnenman@garwingerstein.com](mailto:rnenman@garwingerstein.com)

Daniel Berger  
[danberger@bm.net](mailto:danberger@bm.net)

Eric L. Cramer  
[ecramer@bm.net](mailto:ecramer@bm.net)

Peter Kohn  
[pkohn@bm.net](mailto:pkohn@bm.net)

Neill W. Clark  
[nclark@bm.net](mailto:nclark@bm.net)

Linda P. Nussbaum  
[lnussbaum@cmht.com](mailto:lnussbaum@cmht.com)

Steig D. Olson  
[solson@cmht.com](mailto:solson@cmht.com)

David P. Germaine  
[dgermaine@daarvanek.com](mailto:dgermaine@daarvanek.com)

Joseph Vanek  
[jvanek@daarvanek.com](mailto:jvanek@daarvanek.com)

Stuart Des Roches  
[stuart@odrlaw.com](mailto:stuart@odrlaw.com)

Andrew Kelly  
[akelly@odrlaw.com](mailto:akelly@odrlaw.com)

Adelaida Ferchmin  
[aferchmin@odrlaw.com](mailto:aferchmin@odrlaw.com)

David P. Smith  
[dpsmith@psflp.com](mailto:dpsmith@psflp.com)

Russell A. Chorush  
[rchorush@hpcllp.com](mailto:rchorush@hpcllp.com)

Michael F. Heim  
[mheim@hpcllp.com](mailto:mheim@hpcllp.com)

REPRESENTING WALGREEN, ECKERD,  
KROGER, MAXI, CVS, RITE AID  
(C.A. No. 05-340):

Elizabeth M. McGeever  
[emmcgeever@prickett.com](mailto:emmcgeever@prickett.com)

Scott E. Perwin  
[sperwin@kennynachwalter.com](mailto:sperwin@kennynachwalter.com)

Joseph T. Lukens  
[jlukens@hangley.com](mailto:jlukens@hangley.com)

REPRESENTING PACIFICARE  
(C.A. No. 05-340):

Jonathan L. Parshall  
[jonp@msllaw.com](mailto:jonp@msllaw.com)

William Christopher Carmody  
[bcarmody@susmangodfrey.com](mailto:bcarmody@susmangodfrey.com)

John Turner  
[jturner@susmangodfrey.com](mailto:jturner@susmangodfrey.com)

Shawn Rabin  
[srabin@susmangodfrey.com](mailto:srabin@susmangodfrey.com)

Justin Nelson  
[jnelson@susmangodfrey.com](mailto:jnelson@susmangodfrey.com)

Ken Zylstra  
[kzylstra@sbclasslaw.com](mailto:kzylstra@sbclasslaw.com)

Lyle Stamps  
[lstamps@sbclasslaw.com](mailto:lstamps@sbclasslaw.com)

Steve Connolly  
[sconnolly@sbclasslaw.com](mailto:sconnolly@sbclasslaw.com)

Casey Murphy  
[cmurphy@sbclasslaw.com](mailto:cmurphy@sbclasslaw.com)

Mark Sandman  
[mms@rawlingsandassociates.com](mailto:mms@rawlingsandassociates.com)

Jeffrey Swann  
[js5@rawlingsandassociates.com](mailto:js5@rawlingsandassociates.com)

REPRESENTING IMPAX  
LABORATORIES (C.A. No. 03-120)

Mary Matterer  
[mmatterer@morrisjames.com](mailto:mmatterer@morrisjames.com)

John C. Vetter  
[jvetter@kenyon.com](mailto:jvetter@kenyon.com)

Asim Bhansali  
[abhangsali@kvn.com](mailto:abhangsali@kvn.com)

REPRESENTING INDIRECT PARTY  
PLAINTIFFS (C.A. No. 05-360):

Pamela S. Tikellis  
Thomas M. Sobol  
Patrick E. Cafferty  
Jeffery L. Kodroff  
Bernard J. Persky  
Michael Gottsch  
A. Zachary Naylor

Robert Davis  
Brian Clobes  
Michael Tarringer  
Tim Fraser  
David Nalven  
Greg Matthews  
Christopher McDonald  
Kellie Safar  
Ted Lieverman  
Pat Howard  
**tricor@chimicles.com**

Michael I. Silverman  
[mike@silverman-mcdonald.psemail.com](mailto:mike@silverman-mcdonald.psemail.com)

Lynn A. Iannone  
[lynn@silverman-mcdonald.psemail.com](mailto:lynn@silverman-mcdonald.psemail.com)

Patrick Francis Morris  
**pmorris@morrisandmorrislaw.com**

REPRESENTING TEVA  
PHARMACEUTICALS (C.A. No. 02-1512):

Josy W. Ingersoll  
Bruce M. Gagala  
Karen E. Keller  
Christopher T. Holding  
Ken Cohen  
Elaine Blais  
**tricor@ycst.com**

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham  
**tricor@mnat.com**

William F. Cavanaugh  
**wfcavanaugh@pbwt.com**

Chad J. Peterman  
**cjpeterman@pbwt.com**

REPRESENTING FOURNIER (ALL CASES):

Frederick L. Cottrell, III  
Anne Shea Gaza  
Steven S. Sunshine  
Matthew P. Hendrickson  
Bradley J. Demuth  
Maggie DiMoscato  
Timothy C. Bickham  
**[tricor@rlf.com](mailto:tricor@rlf.com)**

/s/ Jeffrey S. Goddess

---

Jeffrey S. Goddess (Del. Bar No. 630)  
Jessica Zeldin (Del. Bar No. 3558)  
Rosenthal, Monhait & Goddess, P.A.  
Suite 1401, 919 Market Street  
P. O. Box 1070  
Wilmington, DE 19899-1070  
(302) 656-4433  
[jgoddess@rmgglaw.com](mailto:jgoddess@rmgglaw.com)  
[jzeldin@rmgglaw.com](mailto:jzeldin@rmgglaw.com)